

To: C. Ronson, Inc. (mgrieco@gurskypartners.com)
Subject: TRADEMARK APPLICATION NO. 78507248 - CHARLOTTE RONSON - RO003 USA A1
Sent: 6/3/05 12:58:30 PM
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Attachments: Attachment - 1
Attachment - 2
Attachment - 3

UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 78/507248

APPLICANT: C. Ronson, Inc.

78507248

CORRESPONDENT ADDRESS:

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RETURN ADDRESS:

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

MARK: CHARLOTTE RONSON

CORRESPONDENT'S REFERENCE/DOCKET NO: RO003 USA A1

Please provide in all correspondence:

CORRESPONDENT EMAIL ADDRESS:

mgrieco@gurskypartners.com

1. Filing date, serial number, mark and applicant's name.
2. Date of this Office Action.
3. Examining Attorney's name and Law Office number.
4. Your telephone number and e-mail address.

OFFICE ACTION

RESPONSE TIME LIMIT: TO AVOID ABANDONMENT, THE OFFICE MUST RECEIVE A PROPER RESPONSE TO THIS OFFICE ACTION WITHIN 6 MONTHS OF THE MAILING OR E-MAILING DATE.

Serial Number 78/507248

The assigned examining attorney has reviewed the referenced application and determined the following.

Likelihood of Confusion

The examining attorney refuses registration under Trademark Act Section 2(d), 15 U.S.C. Section 1052(d), because the applicant's mark, when used on or in connection with the identified goods, so resembles the mark in U.S. Registration Nos. 2217341 and 2412361 as to be likely to cause confusion, to cause mistake, or to deceive. TMEP section 1207. See the enclosed registrations.

The examining attorney must analyze each case in two steps to determine whether there is a likelihood of confusion. First, the examining attorney must look at the marks themselves for similarities in appearance, sound, connotation and commercial impression. *In re E. I. DuPont de Nemours & Co.*, 476 F.2d 1357, 177 USPQ 563 (CCPA 1973). Second, the examining attorney must compare the goods or services to determine if they are related or if the activities surrounding their marketing are such that confusion as to origin is likely. *In re August Storck KG*, 218 USPQ 823 (TTAB 1983); *In re International Telephone and Telegraph Corp.*, 197 USPQ 910 (TTAB 1978); *Guardian Products Co., v. Scott Paper Co.*, 200 USPQ 738 (TTAB 1978).

The applicant's mark is CHARLOTTE RONSON. The registrant's marks are CHARLOTTE and CHARLOTTE & FRIENDS. The marks are very similar because of the common use of the name CHARLOTTE. Therefore, the first prong of the likelihood of confusion is met.

The second prong of the likelihood of confusion test is a comparison of the goods and or services. The applicant's goods are handbags, wallets, luggage, backpacks, travel bags and cosmetic cases sold empty. The registrant's goods are both sacks and bags, namely, handbags made of textiles and beads. The goods of the parties need not be identical or directly competitive to find a likelihood of confusion. They need only be related in some manner, or the conditions surrounding their marketing be such, that they could be encountered by the same purchasers under circumstances that could give rise to the mistaken belief that the goods come from a common source. *In re Martin's Famous Pastry Shoppe, Inc.*, 748 F.2d 1565, 223 USPQ 1289 (fed. Cir. 1984); *In re Corning Glass Works*, 229 USPQ 65 (TTAB 1985); *In re Rexel Inc.*, 223 USPQ 830 (TTAB 1984); *Guardian Products Co., Inc. v. Scott Paper Co.*, 200 USPQ 738 (TTAB 1978); *In re International Telephone & Telegraph Corp.*, 197 USPQ 910 (TTAB 1978). In this case, the marks are very similar and the goods are very closely related. Consequently, the second prong of the likelihood of confusion test is met and registration is refused under Section 2(d) of the Trademark Act.

If the applicant chooses to respond to the refusal to register, the applicant must also respond to the following issue.

Name of an Individual

Applicant must clarify whether the name in the mark identifies a particular living individual.

If the name in the mark identifies a particular living individual, then applicant must submit the following:

- (1) a signed, written consent from that individual, authorizing applicant to register the name as a trademark with the USPTO; and

(2) a statement that “^ identifies a living individual whose consent is of record.”

However, if the name in the mark does not identify a living individual, then applicant must submit a statement that “^ does not identify a living individual.” Trademark Act Section 2(c), 15 U.S.C. §1052(c); TMEP §§813 and 1206.

NOTICE: FEE CHANGE

Effective January 31, 2005 and pursuant to the Consolidated Appropriations Act, 2005, Pub. L. 108-447, the following are the fees that will be charged for filing a trademark application:

(1) \$325 per international class if filed electronically using the Trademark Electronic Application System (TEAS);
or

(2) \$375 per international class if filed on paper

These fees will be charged not only when a new application is filed, but also when payments are made to add classes to an existing application. If such payments are submitted with a TEAS response, the fee will be \$325 per class, and if such payments are made with a paper response, the fee will be \$375 per class.

The new fee requirements will apply to any fees filed on or after January 31, 2005.

NOTICE: TRADEMARK OPERATION RELOCATION

The Trademark Operation has relocated to Alexandria, Virginia. Effective October 4, 2004, all Trademark-related paper mail (except documents sent to the Assignment Services Division for recordation, certain documents filed under the Madrid Protocol, and requests for copies of trademark documents) must be sent to:

**Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451**

Applicants, attorneys and other Trademark customers are strongly encouraged to correspond with the USPTO online via the Trademark Electronic Application System (TEAS), at <http://www.uspto.gov/teas/index.html>.

/Inga Ervin/

Trademark Examining Attorney

United States Patent & Trademark Office

Law Office 111

571 272-9379

HOW TO RESPOND TO THIS OFFICE ACTION:

- **ONLINE RESPONSE:** You may respond formally using the Office's Trademark Electronic Application System (TEAS) Response to Office Action form (visit <http://www.uspto.gov/teas/index.html> and follow the instructions, but if the Office Action issued via email you must wait 72 hours after receipt of the Office Action to respond via TEAS).
- **REGULAR MAIL RESPONSE:** To respond by regular mail, your response should be sent to the mailing return address above and include the serial number, law office number and examining attorney's name in your response.

STATUS OF APPLICATION: To check the status of your application, visit the Office's Trademark Applications and Registrations Retrieval (TARR) system at <http://tarr.uspto.gov>.

VIEW APPLICATION DOCUMENTS ONLINE: Documents in the electronic file for pending applications can be viewed and downloaded online at <http://portal.uspto.gov/external/portal/tow>.

GENERAL TRADEMARK INFORMATION: For general information about trademarks, please visit the Office's website at <http://www.uspto.gov/main/trademarks.htm>

FOR INQUIRIES OR QUESTIONS ABOUT THIS OFFICE ACTION, PLEASE CONTACT THE ASSIGNED EXAMINING ATTORNEY SPECIFIED ABOVE.

Print: Jun 3, 2005

75403211

TYPED DRAWING

Serial Number

75403211

Status

SECTION 8 & 15-ACCEPTED AND ACKNOWLEDGED

Word Mark

CHARLOTTE

Standard Character Mark

No

Registration Number

2217341

Date Registered

1999/01/12

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(1) TYPED DRAWING

Owner

GMA Accessories, Inc. CORPORATION NEW YORK 1 East 33rd Street, 9th Floor New York NEW YORK 10016

Goods/Services

Class Status -- ACTIVE. IC 018. US 001 002 003 022 041. G & S: sacks and bags, namely, handbags made of textiles and beads. First Use: 1996/11/00. First Use In Commerce: 1996/11/00.

Filing Date

1997/12/10

Examining Attorney

ALT, JILL C.

Attorney of Record

JOHN P BOSTANY

Print: Jun 3, 2005

75857220

DESIGN MARK

Serial Number

75857220

Status

REGISTERED

Word Mark

CHARLOTTE & FRIENDS

Standard Character Mark

No

Registration Number

2412361

Date Registered

2000/12/12

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM

Owner

GMA Accessories, Inc. CORPORATION NEW YORK 1 East 33rd Street, 9th Floor New York NEW YORK 10016

Goods/Services

Class Status -- ACTIVE. IC 018. US 001 002 003 022 041. G & S: SACKS and BAGS, namely, handbags made of textiles and beads. First Use: 1996/11/15. First Use In Commerce: 1996/11/15.

Prior Registration(s)

2217341

Filing Date

1999/11/24

Examining Attorney

ROBINSON, ELLIOTT

Attorney of Record

John P. Bostany

CHARLOTTE & friends